

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

JUAN M. GONZALEZ
Plaintiff,

vs.

STATE FARM LLOYDS
Defendant.

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CIVIL ACTION NO. 1:16-CV-00247

PLAINTIFF'S MOTION TO REMAND

A. Introduction

1. Plaintiff is Juan M. Gonzalez; Defendant is State Farm Lloyds.
2. On May 26, 2016 Plaintiffs sued Defendant for mishandling of his claim arising out of wind/hail damage to his home, violations under the Texas Deceptive Trade Practices-Consumer Protection Act ("DTPA"), violations of the Texas Insurance Code, including violations of the Prompt Payment of Claims Act and Unfair Insurance Practice, and for Breach of Contract in the 444th District Court of Cameron County.
3. Defendant State Farm Lloyds was served with citation and notice of the suit.
4. Defendant filed its Notice of Removal on September 23, 2016.

B. Argument

5. The court may remand a case on the basis of any defect identified in a motion for remand filed within 30 days after the filing of the Notice of Removal under 28 U.S.C. §1446(a). 28 U.S.C. §1447(c).
6. The court should remand this case to state court because the amount in controversy is less than \$75,000.00, excluding interest, costs, and attorney fees. 28 U.S.C. §1332(a); *see Darden v. Ford*

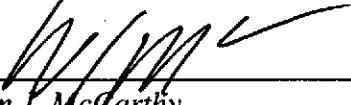
Consumer Fin. Co., F.3d. 753, 755 (11th Cir. 2000). The amount in controversy is only \$26,902.37

C. Conclusion

7. Plaintiffs' lawsuit against Defendants was filed as a result of Defendants' mishandling of Plaintiffs' wind/hail property damage claim and DTPA violations. This Court should remand this case to state court because the amount in controversy does not exceed \$75,000.00.
8. For the reasons stated above, Plaintiffs ask this Honorable Court to grant Plaintiffs' Motion to Remand, remand this suit to the state court it was originally filed, and award Plaintiffs their court costs, expenses, and attorney's fees.

Respectfully submitted,

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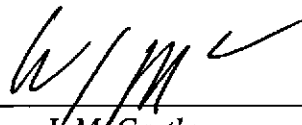
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been sent via FACSIMILE SERVICE and/or ELECTRONIC MAIL to counsel listed below on **September 28, 2016**.

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VERIFICATION

State of Texas §
 §
County of HIDALGO §

Before me, the undersigned authority, on this day personally appeared William J. McCarthy who being by me duly sworn on his oath deposed and said that he has read the above and foregoing Motion to Remand and that every statement contained herein is made upon information and belief or is within his personal knowledge and is true and correct.

WJM

SUBSCRIBED and SWORN TO before me this 28th day of September, 2016.

Diana Reyna
Notary Public in and for the State of Texas
My Commission Expires: 3/3/2018

Notary's Printed Name:

Diana Reyna

